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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,163	03/10/2004	Frederick Hayes Dill	HIT1P009/SJ0920020044US1	5120

50535 7590 08/23/2006

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,163	Applicant(s) DILL ET AL.	
	Examiner William J. Klimowicz	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicants' election without traverse of Group I (original product claims 30-33) in the reply filed on August 10, 2006 is acknowledged.

Applicant has cancelled the non-elected claims 1-29 in a Preliminary Amendment filed on August 10, 2006, and has added new claims 34-60.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 34-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 34-60 are call dependent claims which recite the phrase "The process as recited in claim ..." This terminology is inconsistent with the claimed invention as set forth in each of independent claims 30 and 31 (from which claims 34-60 depend), which require the claimed invention to encompass a product, per se. thus, the metes and bounds of claims 34-60 cannot be readily ascertained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudy et al. (US 6,445,536 B1).

As per claim 30, Rudy et al. (US 6,445,536 B1) discloses a magnetic head, comprising: an etch stop layer (e.g., 200); a transfer layer (202) positioned above the etch stop layer (200) with a trench formed therein - see Figure 2C; a pole tip layer (210) situated in the trench to define a pole tip structure flanked at least in part by the transfer layer (202) - Figure 2D; wherein at least one of an upper surface and a lower surface of at least one of the etch stop layer (200) and the transfer layer (202) remains in co-planar relationship with at least one of an upper surface and a lower surface of the pole tip structure.

As per claim 31, Rudy et al. (US 6,445,536 B1) additionally discloses a magnetic head, comprising: an etch stop layer (200); and a pole (210) situated on top of the etch stop layer (200); wherein at least one of an upper surface and a lower surface of the etch stop layer (200) remains in co-planar relationship with at least one of an upper surface and a lower surface of the pole (210) - e.g., see Figure 2F.

Additionally, as per claim 32, a disk drive system is provided - see, e.g., col. 1, ll. 36-41, comprising: a magnetic recording disk - inherently provided when associated with a rotary actuator as per col. 1, ll. 40-41; a magnetic head including: an etch stop layer (200), and a pole

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(210) situated on top of the etch stop layer (200), wherein at least one of an upper surface and a lower surface of the etch stop layer (200) remains in co-planar relationship with at least one of an upper surface and a lower surface of the pole (210); an actuator (col. 1, ll. 40-41) for moving the magnetic head across the magnetic recording disk so the magnetic head may access different regions of the magnetic recording disk; and a controller (inherently provided in order to retrieve information from, and deliver information to said head) electrically coupled to the magnetic head.

Additionally, as per claim 33, a disk drive system is provided (actuator, disk, head), comprising: a magnetic recording disk (associated with the rotary actuator); a magnetic head including: an etch stop layer (200), a transfer layer (202) positioned above the etch stop layer (200) with a trench (208) formed therein, and a pole tip layer (210) situated in the trench (208) to define a pole tip structure (210) flanked at least in part by the transfer layer (202), wherein at least one of an upper surface and a lower surface of at least one of the etch stop layer (200) and the transfer layer (202) remains in co-planar relationship with at least one of an upper surface and a lower surface of the pole tip structure (210).

Conclusion

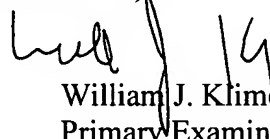
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK